

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016010467

ORDER CONTINUING PREHEARING  
CONFERENCE AND DENYING  
REQUEST FOR CONTINUANCE OF  
HEARING DATES

On April 27, 2016, the parties filed a joint request to continue the dates in this matter with the Office of Administrative Hearings, based upon the parties being close to settling this matter. OAH granted the parties' previous continuance request on February 10, 2016, which set the prehearing conference for April 29, 2016, and hearing for May 10 – 12, 2016.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. All hearing dates are confirmed and shall proceed as calendared. The parties did not establish good cause for a one month continuance to finalize a settlement agreement as no explanation was provided why a month was needed.

However, the parties established good cause to continue the prehearing conference for a week to permit them to finalize an agreement.

Prehearing Conference: May 6, 2016, at 3:00 PM

IT IS SO ORDERED.

DATE: April 27, 2016

DocuSigned by:  
*Peter Paul Castillo*  
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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings